

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Luis Thomas Jacob Leal, Sr.

Case No. 3:09 CV 2735

Plaintiff,

MEMORANDUM OPINION
AND ORDER

-VS-

JUDGE JACK ZOUHARY

Katherine H. Wheatley, et al.,

Defendants.

Pro se Plaintiff Luis Leal, Sr. originally filed this action alleging a violation of the Federal Torts Claims Act (“FTCA”), 28 U. S. C. § 2671 *et seq.*, in the United States District Court for the District of Columbia. It was transferred to the Southern District of Ohio and then to this Court because Plaintiff resides in the Northern District of Ohio and because it appeared that the acts complained of occurred in this District. Defendants are Katherine Wheatley (“Wheatley”), Associate General Counsel of the Board of Governors of the Federal Reserve System, and the Board of Governors.

Although *pro se* pleadings are liberally construed, *Martin v. Overton*, 391 F.3d 710, 712 (6th Cir. 2004), the district court may *sua sponte* dismiss an *in forma pauperis* action under 28 U.S.C. §1915(e)(2) if it is frivolous or fails to state a claim on which relief may be granted.

Plaintiff’s Complaint is both frivolous and fails to state a claim on which relief may be granted. The Complaint alleges that Defendants are in violation of the “Federal Tort Act” in that Defendants have not responded timely to the Complaint as of July 25, 2009 (Doc. No. 1). Plaintiff requests a trial by jury, the end of a conspiracy, the firing of Wheatley, and \$10,000.

These allegations are conclusory, with no supporting facts. Further, Plaintiff fails to explain how he has been harmed. The exhibits attached to the Complaint are irrelevant to any possible FTCA claim against Defendants, and they contain a number of wild assertions, such as Plaintiff's purported entitlement to a trillion-dollar credit line from the Federal Reserve. This Court, under a liberal construction, can discern no legitimate legal claim in these pleadings.

CONCLUSION

Accordingly, the request to proceed *in forma pauperis* is granted and this action is dismissed under 28 U.S.C. §1915(e). Further, pursuant to 28 U.S.C. § 1915(a)(3), this Court certifies that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

January 20, 2010